

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-1368EA

Caleb Brunson,

Appellant,

v.

Randy Morgan, Warden, Tucker
Maximum Security Unit, both
individually and in his official
capacity; Larry Norris, Director,
Department of Correction, both
individually and in his official
capacity; Kay Wade, Employee, both
individually and in her official capacity,

Appellees.

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* On Appeal from the United
* States District Court
* for the Eastern District
* of Arkansas.
* [Not To Be Published]
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Submitted: February 23, 2001

Filed: March 13, 2001

Before RICHARD S. ARNOLD, FAGG, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

Caleb Brunson, a former employee of the Arkansas Department of Correction (ADC), appeals the District Court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 suit against three ADC officials. Plaintiff alleged that defendants violated his constitutional rights and state law by terminating him based on false charges without a fair hearing. Upon de novo review of the record before the District Court, we agree with the Court that, as an at-will employee, see Ball v. Ark. Dep't of Cmty. Punishment, 10 S.W.2d 873, 876 (Ark. 2000), plaintiff did not have a liberty or property interest in his employment and thus could not state a section 1983 claim against defendants, see Rogerson v. Hot Springs Adver. and Promotion Comm'n, No. 00-1980, 2001 WL 96088, **1-2 (8th Cir. Feb. 6, 2001); Roark v. City of Hazen, 189 F.3d 758, 761 (8th Cir. 1999). The District Court did not abuse its discretion in declining to exercise supplemental jurisdiction over plaintiff's state law claims, but we modify the dismissal of those claims to be without prejudice. See Labickas v. Ark. State Univ., 78 F.3d 333, 334 (8th Cir. 1996) (per curiam).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Garnett Thomas Eisele, United States District Judge for the Eastern District of Arkansas.